

REMARKS

Claims 1-16 and 19-21 are pending. In this Response, claim 9 is amended. Reconsideration and allowance based on the above amendments and the following remarks are respectfully requested.

The Examiner rejects claims 1-16 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Barker (U.S. 5,818,800) in view of Huntsman (U.S. 5,801,689) and claims 2-16 under 35 U.S.C. § 103(a) as being unpatentable over Barker, Huntsman, and Walls (U.S. 5,969,708). These rejections are respectfully traversed.

In each of independent claims 1 and 19, a computing device is claimed in which a user activates a button on the computing device where when the activation of the button is of a first type, it corresponds to a dictation mode and wherein activation of the button is of a second type, the operating mode is modified to place the computing device in a command mode. Applicants respectfully submit that Barker and Huntsman fail to teach these features of the independent claims.

In Barker a button is not activated to switch between different modes. In Barker, a switch is provided 84 (see Figure 4, column 4, lines 50-58). The switch is internal and thus not operable by a user. The switch determines whether the peripheral device is in the portable mode (dictation) or a local mode (command). The activation of the switch is performed by connection of disconnection of cable 32. When cable 32 is connected to terminal 30, the switch is set to the local mode. When cable 32 is removed from terminal 30, the switch is set to the portable mode. Thus, there is no user activation of a button to switch modes in Barker.

In an alternative embodiment, as stated in the section titled "Additional Embodiments" at column 6, it is stated that the peripheral device can be used to operate various devices and a button can be added that when asserted, notifies the devices of operating in a command mode. Thus, when the button is not asserted, it is operating in the dictation mode. It is evident in Barker in both embodiments that the peripheral device is operating in a dictation mode or operating in a command mode. Thus, there is no neutral mode in which the dictation mode or command mode is not being used. Thus, Barker's system at best would only require

one type of button assertion as this would perform the necessary toggle between the dictation mode and the command mode and vice versa.

Barker, as stated in the Office Action, fails to teach asserting a button of a first type and also of a second type to modify the operating mode. The Examiner provides Huntsman to provide this teaching absent in Barker.

Huntsman teaches a mouse with a button used for clicking. Huntsman teaches that the number of clicks of the button of the mouse can determine the operation that HTML code will perform. The HTML code therefore performs one action when a single click is made and a second action when the button is clicked twice. In Huntsman, the action of the button is directly related to the HTML code to which the mouse is interacting. Thus, the clicking of the button does not always perform the same functions.

It appears that the Examiner has provided Huntsman to teach the feature of clicking a single button once or twice to perform different actions. Applicants respectfully submit, however, that the teachings in Huntsman are not analogous to Applicants claimed features and one of ordinary skill would not look to Huntsman teachings to combine with Barker to achieve Applicants claimed features.

First, as noted previously, Barker's system relies only upon toggling between a dictation mode and a command mode. It would not be unnecessary to perform multiple types of button assertion to identify the different operating modes as toggling between the different modes only requires a single button assertion. Barker's system is quite different from the present invention. In embodiments of the present invention a dictation mode can be used which requires a first button type assertion or a command mode can be used which requires a second button type assertion or neither of these modes can be used if no assertion is made to the button. Therefore, one of ordinary skill in the art would not look to Huntsman's teachings to combine with Barker because it would be unnecessary in Barker's system and in fact, more complex and confusing for the user if it required various button assertions to toggle between the two operating modes used by Barker.

Second, with regard to Barker's main embodiment, the switching of the operating modes is not performed by user activation of a button but by connection or disconnection of a

cable. Therefore, one of ordinary skill would not look to implement user activation of a button with this embodiment of Barkers that does not require and in fact does not utilize any user intervention to switch modes.

Finally, in Huntsman, the modes as discussed at column 7, lines 41-67, represent commands and behaviors associated with certain mouse operations. For example, a single click or double click. The actual implementation of these commands are performed respective of visual cues on a display screen. If a user single or double clicks the mouse button without the mouse cursor being at a certain position on the display (which represents particular HTML code) nothing happens. Thus, an operation is not performed and the clicks have no significance. Thus, there is a direct relationship between the mouse button, it's clicks, and certain visual cues with a GUI based environment. Huntsman does not teach or suggest operating its mouse button clicks otherwise.

Therefore, one of ordinary skill in the art would not look to Huntsman's teachings to be implemented in Barker's system which does not rely upon visual cues for implementing actions of switching between operation modes. Even considering Barker's alternative embodiment in which a button is activated to identify a command mode, one of ordinary skill in the art would not look to Huntsman's teachings to obtain the idea of asserting the button in a first type or a second type to switch between the modes since Barker's system does not rely upon visual cues to implement those switches and Barker's system is simply a toggle switch changing between the dictation and command modes.

For the reasons above, Applicants respectfully submit that the combination of Barker and Huntsman fail to teach or suggest, *inter alia*, a computing device receiving a user input actuating a button, placing the device in an operating mode corresponding to a dictation mode when the user input actuating the button is of a first type and modifying the operating mode to place the device in a command mode when the user input actuating the button is of a second type, wherein the device identifies spoken words as text in said dictation mode and as commands in the command mode, as recited in claim 1.

Also, the combination of Barker and Huntsman fails to teach or suggest, *inter alia*, a computing device including a second program module, stored in the memory for causing the

processor to enter an operating mode corresponding to a command mode responsive to the button being pressed in a first manner and a third program module, stored in the memory, for causing the processor to modify the operating mode to correspond to a dictation mode responsive to the button being pressed in the second manner, wherein spoken words recognized in the dictation mode are handled by a processor as textual data and spoken when recognized in the command mode are handled by the processor as commands requiring execution of one or more additional functions, as recited in claim 19.

Further, regarding dependent claim 9, Applicants respectfully submit that neither Barker, Huntsman, or Walls teach or suggest providing an indication either visually or audibly to a user of a device as to whether the device is in a dictation mode or the command mode prior to identifying spoken words as text or commands.

In view of the above, Applicants respectfully submit that Barker and Huntsman fail to teach each and every feature of independent claims 1 and 19 as required. Further, dependent claims 2-16 and 20-21 are all distinguishable over the combination of references for the above reasons as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least the reasons above, it is respectfully submitted that claims 1-16 and 19-21 are distinguishable over the cited art. Favorable reconsideration and a prompt Notice of Allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings, Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

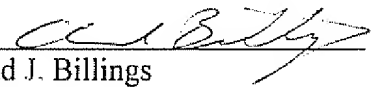
Application No 09/918,723
Amendment dated March 15, 2007
Reply to Office Action of December 6, 2006

Docket No.: 5486-0113PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: **March 15, 2007**

Respectfully submitted,

By 
Chad J. Billings
Registration No.: 48,917
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant